HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.19169 of 2007

Date: September 24, 2007

Between:

1. Srirangam Narsimha Rao
   and 2 others. …Petitioners

And

1. The Agricultural Market Committee,
   Suryapet, Nalgonda District, rep. by its
   Secretary and 2 others. . …Respondents

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ORDER:

Heard Sri K.Lakshmanachari, learned counsel representing the petitioners, Sri V.V.N.Narayana Rao, leanred counsel representing respondents 1 and 2 and the learned Government Pleader for Agriculture appearing for the third respondent.

2. The writ petition is filed for a writ of *Mandamus* declaring action of the respondents in not issuing commission agent licences in favour of the petitioners to carry on business in Agricultural Market Yard at Suryapet and Nakerakal, as illegal, arbitrary and contrary to the provisions of Act No.16 of 1966 and consequently direct the respondents to issue commission agent licences in favour of the petitioners and to pass such other suitable orders.

3. It is stated that the petitioners had been carrying on business in Nalgonda district, particularly, in Suryapet and Nakerakal for the last several years and they had submitted applications dated 06.7.2007, 13.7.2007 and 20.7.2007 requesting the respondents 1 and 2 to issue commission agent licences for the years 2007-2008. They had enclosed National Savings

Certificate for a sum of Rs.5,000/-. The respondents 1 and 2 received the applications, but did not dispose of the same within the time prescribed in the provisions of the Act No.16 of 1966 and Rules made thereunder. It is also stated that the Government of Andhra Pradesh so far not issued any G.O. or notification regulating or prohibiting commission agents from operating in the agricultural market yard. It is also stated that when the respondents 1 and 2 decided to issue licences in favour of some business persons, the third respondent addressed a letter dated 16.6.2006 to the respondents 1 and 2 to reject the pending applications submitted for issue of commission agent licences on the ground that there are number of commission agents operating in the agricultural Market Yard. In the absence of any notification prohibiting or regulating commission agents in the Agricultural Market Yard the respondents are bound to issue licences. The respondents
1 and 2 being competent authority for issue of licences, they are required to consider the applications within the time framed in the provisions of Act 16 of 1966. The third respondent, in the absence of notification issued by the Government, had no authority to regulate issue of licences. It is also stated that in the similar circumstances this Court in W.P.No.15817 of 2007 and W.P.No.25996 of 2006 and W.P.No.414 of 2007 passed orders dated 26.07.2007 with a direction to consider the applications submitted by the petitioners therein in accordance with Section 7 (2) of the Act and take necessary steps. In such circumstances, the petitioners approached this court praying for appropriate reliefs, which had been specified supra.

4. This Court ordered notice before admission on 10.9.2007. This Court in W.P.No.15817 of 2007 dated 26th July 2007 made the following order.

> "The A.P. (Agricultural Produce & Live Stocks) Markets Act, 1966 (for short 'the Act') provides for regulation of trade and business in agricultural

produce and live stock, within the jurisdiction of notified markets. Section 7 of the Act prescribes the procedure for grant and renewal of licences. The petitioners claim to have submitted applications for grant of licences. In case, they have complied with the necessary requirements, they are entitled to be issued such licences. On the other hand, if the applications are defective, in any manner, the respondents are under obligation to intimate the reasons to the petitioners. Either way, the respondents ought to have taken steps on the applications of the petitioners.

Hence, the writ petition is disposed of, directing the respondents to take necessary steps on the applications of the petitioners, within four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

5. It is brought to the notice of this court that in the present writ petition also the facts are similar and in view of the same, the writ petition is disposed of directing the respondents to take necessary steps on the applications of the petitioners in accordance with Section 7 (2) of the Act within six weeks from the date of receipt of a copy of this order. No costs.

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(P.S.NARAYANA, J.)

Date: September 24, 2007.

BSB